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(888) 4-LAITLAW

SERVICE BY FACSIMILE NOT AUTHORIZED

June 13, 2008

File #13138

VIA - MAIL AND ELECTRONICALLY FILED

Court Clerk
United States District Court
Southern District of New York
300 Quarropas Street
White Plains, New York 10601-4150

Re: Kevin Brown, Deceased vs: The City of Newburgh, The City of
Newburgh Police Dept., et al.
Civ. No.: 08 CIV 5088
Judge Karas

Dear Sir:

Enclosed herewith please find the original Summons and Affidavit
of Services on behalf of the defendants in regards to the above
captioned matter.

A copy of same has been electronically filed this date.

Would you kindly file these papers under the above Civ. No.

Your cooperation in this matter is appreciated.

Very truly yours,

LARKIN, AXELROD, INGRASSIA
& TETENBAUM, L.L.P.

Patti Salomatoff
BY: PATTI SALOMATOFF
(845) 926-5124

/pps
Encl.

AO 440 (Rev. 10/93) Summons in a Civil Action

United States District Court
SOUTHERN DISTRICT OF NEW YORK

ARLINE BROWN, as Administratrix of the Estate
of KEVIN BROWN, Deceased,

SUMMONS IN A CIVIL CASE

V.

CASE NUMBER:

(See annexed rider for list of defendants)

08 CIV. 5088

TO: (Name and address of defendant)

(See annexed rider for list of name and addresses(s) of defendants)

JUDGE KARAS

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

LARKIN, AXELROD, INGRASSIA & TETENBAUM, LLP.

34 Route 17K

Newburgh, New York 12550

an answer to the complaint which is herewith served upon you, within thirty (30) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

JUN - 3 2008

CLERK

CLERK

DATE

(BY) DEPUTY CLERK

(Rider: List of Defendants)

THE CITY OF NEWBURGH, THE CITY OF NEWBURGH POLICE DEPARTMENT, ERIC PAOLILLI, Individually and in his Official Capacity as the Chief of Police and a Police Officer employed in the City of Newburgh Police Department by the City of Newburgh, ERIK ELTZ, Individually and in his Official Capacity as a Police Officer employed in the City of Newburgh Police Department by the City of Newburgh, FRANK LABRADA, Individually and in his Official Capacity as a Police Officer employed in the City of Newburgh Police Department by the City of Newburgh, DONALD CAMPBELL, Individually and in his Official Capacity as a Police Officer employed in the City of Newburgh Police Department by the City of Newburgh, WILLIAM ROSE, Individually and in his Official Capacity as a Police Officer employed in the City of Newburgh Police Department by the City of Newburgh, and PAUL WEBER, Individually and in his Official Capacity as a Police Officer employed in the City of Newburgh Police Department by the City of Newburgh,

Defendants.

(Rider: List of Defendants and addresses)

CITY OF NEWBURGH

Defendant

83 Broadway

Newburgh, New York 12550

CITY OF NEWBURGH POLICE DEPARTMENT

Defendant

55 Broadway

Newburgh, New York 12550

ERIC PAOLILLI, Individually and in his Official
Capacity as the Chief of Police and a Police Officer
employed in the City of Newburgh Police Department
by the City of Newburgh

Defendant In Person

c/o City of Newburgh Police Department

55 Broadway

Newburgh, New York 12550

ERIK ELTZ, Individually and in his Official Capacity
as a Police Officer employed in the City of Newburgh
Police Department by the City of Newburgh

Defendant In Person

c/o City of Newburgh Police Department

55 Broadway

Newburgh, New York 12550

FRANK LABRADA, Individually and in his Official
Capacity as a Police Officer employed in the City of
Newburgh Police Department by the City of Newburgh

Defendant In Person

c/o City of Newburgh Police Department

55 Broadway

Newburgh, New York 12550

DONALD CAMPBELL, Individually and in his Official
Capacity as a Police Officer employed in the City of
Newburgh Police Department by the City of Newburgh

Defendant In Person

c/o City of Newburgh Police Department

55 Broadway

Newburgh, New York 12550

000000

WILLIAM ROSE, Individually and in his Official
Capacity as a Police Officer employed in the City of
Newburgh Police Department by the City of Newburgh
Defendant In Person
c/o City of Newburgh Police Department
55 Broadway
Newburgh, New York 12550

PAUL WEBER, Individually and in his Official
Capacity as a Police Officer employed in the City
of Newburgh Police Department by the City of Newburgh
Defendant In Person
c/o City of Newburgh Police Department
55 Broadway
Newburgh, New York 12550

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ARLINE BROWN AS ADMINISTRATIX OF THE ESTATE
OF KEVIN BROWN, DECEASED

Plaintiff(s), Petitioner(s)

against

CITY OF NEWBURGH AND CITY OF NEWBURGH
POLICE DEPARTMENT

Defendant(s), Respondent(s)

INDEX NO.: 08 CIV 5088

YOUR FILE: 13138 PPS

AFFIDAVIT OF SERVICE

STATE OF NEW YORK: COUNTY OF ORANGE: ss:

CRAIG WILLIAMS being duly sworn deposes and says: that deponent is not a party to this action, is over 18 years of age and resides in Cornwall on Hudson, NY.

That on **June 10, 2008** at **9:13 AM** at **83 Broadway, Newburgh, NY 12550**, deponent served the within **Civil Summons and Complaint** on **City of Newburgh, (Defendant/Respondent)** herein known as Recipient.

Said service was effected in the following manner;

**CORPORATION/
BUSINESS ENTITY**

A Government Agency by delivering thereat a true copy of each to **Lorene Vitek** personally. Deponent knew said City of Newburgh so served to be the Government Agency described as **City of Newburgh** and knew said individual to be the **City Clerk** thereof, authorized to accept service of process.

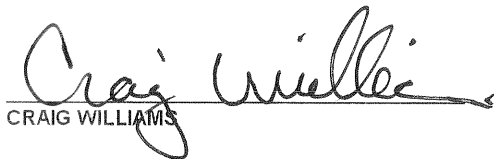
Deponent describes the individual served to the best of deponent's ability at the time and circumstances of service as follows:

Sex: **Female** Skin: **Caucasian** Hair: **Brown** Age(Approx): **45** Height(Approx): **5' 5"** Weight(Approx): **130-140 lbs**
Other: **wears eyeglasses**

Sworn to before me on Tuesday, June 10, 2008



DENISE ACCURSO-POST
Notary Public, State of New York
No. 4979759
Qualified in Dutchess County
Commission Expires April 8, 2011


CRAIG WILLIAMS

Court Services Inc.

5 Paula Court
Cornwall on Hudson, NY 12520
(845) 534-4236 (845) 534-4295 Fax
mailto:courtservicesinc@aol.com
www.courtservicesinc.com

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ARLINE BROWN AS ADMINISTRATIX OF THE ESTATE
OF KEVIN BROWN, DECEASED

Plaintiff(s), Petitioner(s)

against

CITY OF NEWBURGH AND CITY OF NEWBURGH
POLICE DEPARTMENT

Defendant(s), Respondent(s)

INDEX NO.: 08 CIV 5088

YOUR FILE: 13138 PPS

AFFIDAVIT OF SERVICE

STATE OF NEW YORK: COUNTY OF ORANGE: ss:

CRAIG WILLIAMS being duly sworn deposes and says: that deponent is not a party to this action, is over 18 years of age and resides in Cornwall on Hudson, NY.

That on **June 10, 2008** at **9:03 AM** at **55 Broadway, Newburgh, NY 12550**, deponent served the within **Civil Summons and Complaint** on **City of Newburgh Police Department**, (*Defendant/Respondent*) herein known as Recipient.

Said service was effected in the following manner;

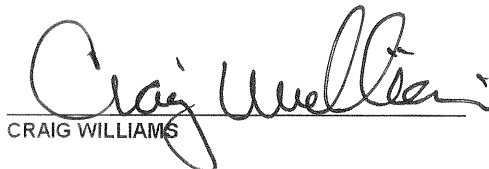
**CORPORATION/
BUSINESS ENTITY**

A Government Agency by delivering thereat a true copy of each to **Joseph Lee** personally. Deponent knew said City of Newburgh Police Department so served to be the Government Agency described as **City of Newburgh Police Department** and knew said individual to be the **Managing Agent and Records Sergeant** thereof, authorized to accept service of process.

Deponent describes the individual served to the best of deponent's ability at the time and circumstances of service as follows:

Sex: **Male** Skin: **Caucasian** Hair: **Black** Age(Approx): **36-50** Height(Approx): **5' 8"** Weight(Approx): **200-225 lbs**
Other:

Sworn to before me on Tuesday, June 10, 2008


CRAIG WILLIAMS

DENISE ACCURSO-POST
Notary Public, State of New York
No. 4979759
Qualified in Dutchess County
Commission Expires April 8, 2011

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ARLINE BROWN AS ADMINISTRATIX OF THE ESTATE
OF KEVIN BROWN DECEASED

Plaintiff(s), Petitioner(s)

against

CITY OF NEWBURGH AND CITY OF NEWBURGH
POLICE DEPARTMENT

Defendant(s), Respondent(s)

INDEX NO.: 08 CIV 5088

YOUR FILE: 13138 PPS

AFFIDAVIT OF SERVICE

STATE OF NEW YORK: COUNTY OF ORANGE: ss:

CRAIG WILLIAMS being duly sworn deposes and says: that deponent is not a party to this action, is over 18 years of age and resides in Cornwall on Hudson, NY.

That on **June 10, 2008** at **9:03 AM** at **55 Broadway, c/o City of Newburgh Police Department, Newburgh, NY 12550**, deponent served the within **Civil Summons and Complaint** on **Eric Paolilli Individually and in his Official Capacity as the Chief of Police and a Police Officer Employed in The City of Newburgh Police Department, (Defendant/Respondent)** herein known as Recipient.

Said service was effected in the following manner;

SUITABLE AGE PERSON

By delivering thereat a true copy of each to **JOSEPH LEE, Managing Agent and Records Sergeant**, a person of suitable age and discretion. That person was also asked by deponent whether said premises was the recipient's dwelling place and their reply was affirmative.

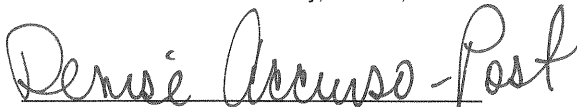
Deponent also enclosed a copy of same in a postpaid sealed envelope, properly addressed to recipient at recipient's dwelling place at **55 Broadway, c/o City of Newburgh Police Department, Newburgh, NY 12550** and deposited said envelope in an official depository under the exclusive care and custody of the United States Postal Service within State of New York on **06/10/08**.

Deponent describes the individual served to the best of deponent's ability at the time and circumstances of service as follows:

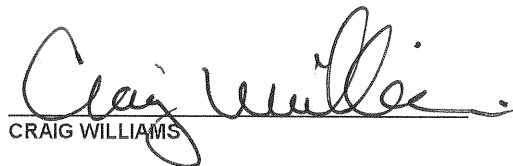
Sex: **Male** Skin: **Caucasian** Hair: **Black** Age(Approx): **36-50** Height(Approx): **5' 8"** Weight(Approx): **200-225 lbs**
Other:

I asked the person spoken to, whether recipient was in active military service of any kind whatsoever and received a negative reply.

Sworn to before me on Tuesday, June 10, 2008



DENISE ACCURSO-POST
Notary Public, State of New York
No. 4979759
Qualified in Dutchess County
Commission Expires April 8, 2011


CRAIG WILLIAMS

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ARLINE BROWN AS ADMINISTRATIX OF THE ESTATE
OF KEVIN BROWN, DECEASED

Plaintiff(s), Petitioner(s)

against

INDEX NO.: 08 CIV 5088

YOUR FILE: 13138 PPS

AFFIDAVIT OF SERVICE

CITY OF NEWBURGH AND CITY OF NEWBURGH
POLICE DEPARTMENT

Defendant(s), Respondent(s)

STATE OF NEW YORK: COUNTY OF ORANGE: ss:

CRAIG WILLIAMS being duly sworn deposes and says: that deponent is not a party to this action, is over 18 years of age and resides in Cornwall on Hudson, NY.

That on **June 10, 2008** at **9:03 AM** at **c/o City of Newburgh Police Department , 55 Broadway, Newburgh, NY 12550**, deponent served the within **Civil Summons and Complaint** on **Erik Eltz Individually and in his Official Capacity as a Police Officer employed in the City of Newburgh Police Department by the City Of Newburgh, (Defendant/Respondent)** herein known as Recipient.

Said service was effected in the following manner;

SUITABLE AGE PERSON

By delivering thereat a true copy *of each* to **JOSEPH LEE**, Managing Agent and Records Sergeant, a person of suitable age and discretion. That person was also asked by deponent whether said premises was the recipient's dwelling place and their reply was affirmative.

Deponent also enclosed a copy of same in a postpaid sealed envelope, properly addressed to recipient at recipient's dwelling place at **c/o City of Newburgh Police Department , 55 Broadway, Newburgh, NY 12550** and deposited said envelope in an official depository under the exclusive care and custody of the United States Postal Service within State of New York on **06/10/08**.

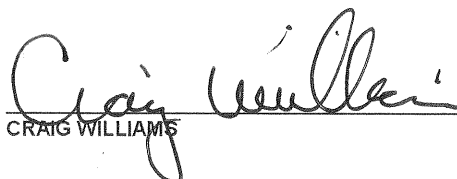
Deponent describes the individual served to the best of deponent's ability at the time and circumstances of service as follows:

Sex: **Male** Skin: **Caucasian** Hair: **Black** Age(Approx): **36-50** Height(Approx): **5' 8"** Weight(Approx): **200-225 lbs**
Other:

I asked the person spoken to, whether recipient was in active military service of any kind whatsoever and received a negative reply.

Sworn to before me on Tuesday, June 10, 2008




CRAIG WILLIAMS

DENISE ACCURSO-POST
Notary Public, State of New York
No. 4979759
Qualified in Dutchess County
Commission Expires April 8, 2011

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ARLINE BROWN AS ADMINISTRATIX OF THE ESTATE
OF KEVIN BROWN DECEASED

Plaintiff(s), Petitioner(s)

against

CITY OF NEWBURGH AND CITY OF NEWBURGH
POLICE DEPARTMENT

Defendant(s), Respondent(s)

INDEX NO.: 08 CIV 5088

YOUR FILE: 13138 PPS

AFFIDAVIT OF SERVICE

STATE OF NEW YORK: COUNTY OF ORANGE: ss:

CRAIG WILLIAMS being duly sworn deposes and says: that deponent is not a party to this action, is over 18 years of age and resides in Cornwall on Hudson, NY.

That on **June 10, 2008 at 9:03 AM** at **c/o City of Newburgh Police Department, 55 Broadway, Newburgh, NY 12550**, deponent served the within **Civil Summons and Complaint** on **Frank Labrada Individually and in his Official Capacity as a Police Officer employed in the City of Newburgh, (Defendant/Respondent)** herein known as Recipient.

Said service was effected in the following manner;

SUITABLE AGE PERSON

By delivering thereat a true copy of each to **JOSEPH LEE**, Managing Agent and Records Sergeant, a person of suitable age and discretion. That person was also asked by deponent whether said premises was the recipient's dwelling place and their reply was affirmative.

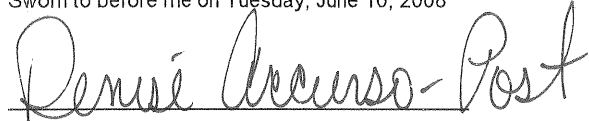
Deponent also enclosed a copy of same in a postpaid sealed envelope, properly addressed to recipient at recipient's dwelling place at **c/o City of Newburgh Police Department, 55 Broadway, Newburgh, NY 12550** and deposited said envelope in an official depository under the exclusive care and custody of the United States Postal Service within State of New York on **06/10/08**.

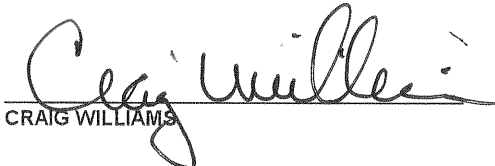
Deponent describes the individual served to the best of deponent's ability at the time and circumstances of service as follows:

Sex: **Male** Skin: **Caucasian** Hair: **Black** Age(Approx): **36-50** Height(Approx): **5' 8"** Weight(Approx): **200-225 lbs**
Other:

I asked the person spoken to, whether recipient was in active military service of any kind whatsoever and received a negative reply.

Sworn to before me on Tuesday, June 10, 2008




CRAIG WILLIAMS

DENISE ACCURSO-POST
Notary Public, State of New York
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ARLINE BROWN AS ADMINISTRATIX OF THE ESTATE
OF KEVIN BROWN DECEASED

Plaintiff(s), Petitioner(s)

against

CITY OF NEWBURGH AND CITY OF NEWBURGH
POLICE DEPARTMENT

Defendant(s), Respondent(s)

INDEX NO.: 08 CIV 5088

YOUR FILE: 13138 PPS

AFFIDAVIT OF SERVICE

STATE OF NEW YORK: COUNTY OF ORANGE: ss:

CRAIG WILLIAMS being duly sworn deposes and says: that deponent is not a party to this action, is over 18 years of age and resides in Cornwall on Hudson, NY.

That on **June 10, 2008** at **9:03 AM** at **c/o City of Newburgh Police Department, 55 Broadway, Newburgh, NY 12550**, deponent served the within **Civil Summons and Complaint** on **Donald Campbell Individually and in the Official Capacity as a Police Officer of the City of Newburgh Police Department by the City of Newburgh, (Defendant/Respondent)** herein known as Recipient.

Said service was effected in the following manner;

SUITABLE AGE PERSON

By delivering thereat a true copy *of each* to **JOSEPH LEE**, Managing Agent and Records Sergeant, a person of suitable age and discretion. That person was also asked by deponent whether said premises was the recipient's dwelling place and their reply was affirmative.

Deponent also enclosed a copy of same in a postpaid sealed envelope, properly addressed to recipient at recipient's dwelling place at **c/o City of Newburgh Police Department, 55 Broadway, Newburgh, NY 12550** and deposited said envelope in an official depository under the exclusive care and custody of the United States Postal Service within State of New York on **06/10/08**.

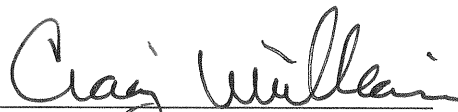
Deponent describes the individual served to the best of deponent's ability at the time and circumstances of service as follows:

Sex: **Male** Skin: **Caucasian** Hair: **Black** Age(Approx): **36-50** Height(Approx): **5' 8"** Weight(Approx): **200-225 lbs**
Other:

I asked the person spoken to, whether recipient was in active military service of any kind whatsoever and received a negative reply.

Sworn to before me on Tuesday, June 10, 2008


DENISE ACCURSO-POST


CRAIG WILLIAMS

DENISE ACCURSO-POST
Notary Public, State of New York
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ARLINE BROWN AS ADMINISTRATIX OF THE ESTATE
OF KEVIN BROWN, DECEASED

Plaintiff(s), Petitioner(s)

against

INDEX NO.: 08 CIV 5088

YOUR FILE: 13138 PPS

AFFIDAVIT OF SERVICE

CITY OF NEWBURGH AND CITY OF NEWBURGH
POLICE DEPARTMENT

Defendant(s), Respondent(s)

STATE OF NEW YORK: COUNTY OF ORANGE: ss:

CRAIG WILLIAMS being duly sworn deposes and says: that deponent is not a party to this action, is over 18 years of age and resides in Cornwall on Hudson, NY.

That on **June 10, 2008** at **9:03 AM** at **c/o City of Newburgh Police Department, 55 Broadway, Newburgh, NY 12550**, deponent served the within **Civil Summons and Complaint** on **William Rose Individually and in his Official Capacity as a Police Officer of The City of Newburgh Police Department by the City of Newburgh, (Defendant/Respondent)** herein known as Recipient.

Said service was effected in the following manner;

SUITABLE AGE PERSON

By delivering thereat a true copy *of each* to **JOSEPH LEE**, Managing Agent and Records Sergeant, a person of suitable age and discretion. That person was also asked by deponent whether said premises was the recipient's dwelling place and their reply was affirmative.

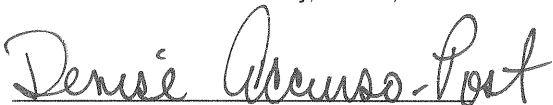
Deponent also enclosed a copy of same in a postpaid sealed envelope, properly addressed to recipient at recipient's dwelling place at **c/o City of Newburgh Police Department, 55 Broadway, Newburgh, NY 12550** and deposited said envelope in an official depository under the exclusive care and custody of the United States Postal Service within State of New York on **06/10/08**.

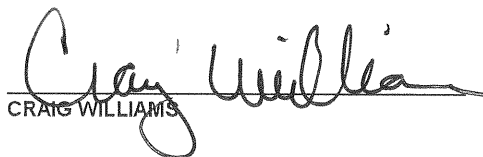
Deponent describes the individual served to the best of deponent's ability at the time and circumstances of service as follows:

Sex: **Male** Skin: **Caucasian** Hair: **Black** Age(Approx): **36-50** Height(Approx): **5' 8"** Weight(Approx): **200-225 lbs**
Other:

I asked the person spoken to, whether recipient was in active military service of any kind whatsoever and received a negative reply.

Sworn to before me on Tuesday, June 10, 2008




CRAIG WILLIAMS

DENISE ACCURSO-POST
Notary Public, State of New York
No. 4979759

Qualified in Dutchess County
Commission Expires April 8, 2011

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ARLINE BROWN AS ADMINISTRATIX OF THE ESTATE
OF KEVIN BROWN, DECEASED

Plaintiff(s), Petitioner(s)

against

INDEX NO.: 08 CIV 5088

YOUR FILE: 13138 PPS

AFFIDAVIT OF SERVICE

CITY OF NEWBURGH AND CITY OF NEWBURGH
POLICE DEPARTMENT

Defendant(s), Respondent(s)

STATE OF NEW YORK: COUNTY OF ORANGE: ss:

CRAIG WILLIAMS being duly sworn deposes and says: that deponent is not a party to this action, is over 18 years of age and resides in Cornwall on Hudson, NY.

That on **June 10, 2008** at **9:03 AM** at **c/o City of Newburgh Police Dept, 55 Broadway, Newburgh, NY** deponent served the within **Civil Summons and Complaint** on **Paul Weber** **Individually and in his Capacity as a Police Officer for The City of Newburgh Police Department by the City of Newburgh, (Defendant/Respondent)** herein known as Recipient.

Said service was effected in the following manner;

SUITABLE AGE PERSON

By delivering thereat a true copy of each to **JOSEPH LEE**, Managing Agent and Records Sergeant, a person of suitable age and discretion. That person was also asked by deponent whether said premises was the recipient's and their reply was affirmative.

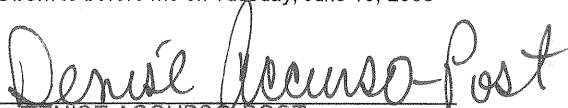
Deponent also enclosed a copy of same in a postpaid sealed envelope, properly addressed to recipient at recipient's at and deposited said envelope in an official depository under the exclusive care and custody of the United States Postal Service within on **06/10/08**.

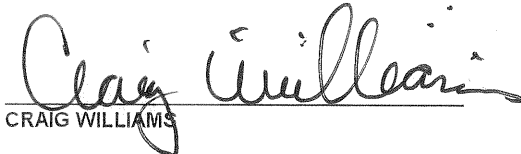
Deponent describes the individual served to the best of deponent's ability at the time and circumstances of service as follows:

Sex: **Male** Skin: **Caucasian** Hair: **Black** Age(Approx): **36-50** Height(Approx): **5' 8"** Weight(Approx): **200-225 lbs**
Other:

I asked the person spoken to, whether recipient was in active military service of any kind whatsoever and received a negative reply.

Sworn to before me on Tuesday, June 10, 2008




CRAIG WILLIAMS

DENISE ACCURSO-POST
Notary Public, State of New York
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Commission Expires April 8, 2011

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